

No. 1484-4Lab-73/5764.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Thomson Press (India) Ltd., Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 174 of 1972

between

SHRI SHAFIQ AHMAD AND THE MANAGEMENT OF M/S THOMSON PRESS
(INDIA) LTD., FARIDABAD

Present.—

Shri K.P. Aggarwal, for the management.

Nemo, for the workman.

AWARD

By order No. ID/FD/72/30133-37, dated 2nd June, 1972 of the Governor of Haryana, the following dispute between the management of M/s Thomson Press (India) Ltd., Faridabad and its workman Shri Shafiq Ahmad was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Shafiq Ahmad was justified and in order? If not, to what relief is he entitled?”

On receipt of the order of reference, notices were given to the parties. The concerned workman has not come forward to pursue his claim. The notice of the reference was sent to him by ordinary post as well as under registered cover which has been received back undelivered for want of proper address. He is not represented by any union leader and the change of the address had not been intimated by him.

On the other hand, the management has appeared through its authorised representative and filed a detailed written statement contending that this workman was dismissed from service on charges of misconduct and after proper inquiry. The inquiry report and other documents relating thereto have been produced and the inquiry officer Shri K.P. Aggarwal has come into the witness-box to prove the same.

I have heard the learned representative of the management and given a careful consideration to the facts on record. As would be clear from the persual of the charge-sheet, dated 16th June, 1971, copy Exhibit M. 1 there were serious allegations of misconduct against this workman subversive of discipline and he had incited the other workmen of his department to resort to tool-down strike along with him. His explanation which is Exhibit M-2 on record was considered but found to be not satisfactory. The management ordered inquiry against him and Shri K. P. Aggarwal was appointed as the Inquiry Officer,—vide order, dated 29th June, 1971, copy Exhibit M. 3. Shri Aggarwal held the inquiry after due notice to him and he had fully participated in the inquiry, assisted by his representative Shri Babbu Khan, President, Thomson Press, Sharnik Union and signed the inquiry proceedings Exhibit M. 4 (27 leaves). The management had examined 7 witnesses and produced as many as 45 documents. The witnesses had been fully cross-examined by the workman who had further made his own statement besides examining 6 witnesses in defence. On the basis of the material produced before him on both sides, oral as well as documentary, the Inquiry Officer had found him guilty of the aforesaid charges and after taking into consideration his findings,—vide his report Exhibit M. 5, the management had passed the impugned order of dismissal from service of the workman, copy Exhibit M.6 on record. There is nothing to indicate that Shri K. P. Aggarwal,

Inquiry Officer was in any way biased or prejudiced against this workman or he had violated any principle of natural justice in holding the inquiry against him.

In view of the above, I do not find any thing wrong with the domestic inquiry held against this workman into the charges of misconduct levelled against him,—*vide* charge-sheet, dated 14th June, 1971 and taking into consideration the serious nature of the charges which were fully established in a fair and proper inquiry, the management was perfectly justified in taking the impugned action of dismissal from service against him. In the circumstances, he is not entitled to any relief by way of reinstatement or back wages. The award is made accordingly. No order as to costs.

Dated 6th February, 1973.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 502, dated 10th February, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak,

S. N. BHANOT,

Commr. and Secy.